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13 Attorneys for Defendant

14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA

16 FRESNO DIVISION

17 MAKAYLA M. RUSSELL o/b/o P.R.,

18 Civil No. 1:24-cv-01356-GSA

19 Plaintiff,

20 vs.
21 STIPULATION AND PROPOSED ORDER
22 CAROLYN COLVIN,
23 Acting Commissioner of Social Security,¹
24 Defendant.
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Defendant.

Pending the Court's approval, the parties stipulate through their respective counsel that

Defendant, the Commissioner of Social Security (the "Commissioner"), shall have a forty-five-

¹ Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn Colvin should be substituted for Martin O'Malley as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 day extension of time to respond to Plaintiff's Complaint in this case from January 13, 2025, up to
2 and including February 27, 2025. In support of this request, the Commissioner respectfully states
3 as follows:

- 4 1. Defendant's response to Plaintiff's Complaint is due to be filed by January 13, 2025.
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6 Defendant has not previously requested an extension of this deadline.
- 7 2. In accordance with the Federal Rules of Civil Procedures, recently amended to add
8
9 Supplemental Rules for Social Security review cases under 42 U.S.C. § 405(g), the
10 Commissioner files a certified administrative record (CAR) as the Answer to a
11 Complaint for review.
- 12 3. Counsel for the Commissioner has been informed by the client agency, which is the
13 Social Security Administration, Office of Appellate Operations, that the CAR is not
14 fully prepared in this matter. The client agency therefore needs more time to prepare
15 the CAR for the Court's review.
- 16 4. For this reason, Defendant requests an extension to February 27, 2025 (45 days), to
17 file an Answer or other response in this matter.
- 18 5. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that
19 she has no objection to this extension request.
- 20 6. This request is made in good faith and is not intended to delay the proceedings in this
21 matter.
- 22 7. I am attempting to preserve limited judicial resources and have applied the most rapid
23 response under the circumstances.

24 WHEREFORE, Defendant requests until February 27, 2025, to respond to Plaintiff's
25 Complaint.
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2 DATE: January 8, 2025

Respectfully submitted,

SACKETT & ASSOCIATES, PC

3 /s/ Harvey Peter Sackett*
4 HARVEY PETER SACKETT
5 Attorney for Plaintiff
(*as authorized via email on January 7, 2025)

6 PHILLIP A. TALBERT
7 United States Attorney

8 MATHEW W. PILE
9 Associate General Counsel
Office of Program Litigation, Office 7
10 Social Security Administration

11 DATE: January 8, 2025 By

12 s/ Justin L. Martin
13 JUSTIN L. MARTIN
14 Special Assistant United States Attorney

15 Attorneys for Defendant

16
17 **ORDER**

18
19 IT IS SO ORDERED.

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21 Dated: January 8, 2025

22 /s/ Gary S. Austin

23 UNITED STATES MAGISTRATE JUDGE